

# RECLAMATION DISTRICT NO. 1601

306 Second Street  
Isleton, CA 95641

## Minutes of the Board of Trustees Regular Meeting

October 18, 2022

### Meeting held by teleconference consistent with AB361.

#### 1. CALL MEETING TO ORDER.

President Barry Sgarrella called the regular meeting of the Board of Trustees (Board) to order on October 18, 2022, at 9:01 a.m. ROLL CALL: In attendance: President Barry Sgarrella and Trustee Dave Huston. District's superintendent Mr. Ricky Carter Sr., District's engineer Mr. Chris Neudeck, District's attorney Mr. Jesse Barton and District's accountant/treasurer Mrs. Perla Tzintzun-Garibay with Butterfield and Company. Also attending Mr. Ricky Carter, Jr., Mr. Ryan Carrothers, Mr. Randy Wemrich and Mr. Richard Silva.

Attending by conference call, Trustee Preston Good, District's secretary Mrs. Linda Carter, Mr. Cole Bakke and Ms. Otome Lindsey.

#### 2. PUBLIC COMMENT: ANY PERSON MAY SPEAK ON ANY TOPIC INCLUDING ANY AGENDA ITEM LISTED BELOW, PROVIDED IT IS WITHIN THE JURISDICTION OF RD 1601.

Nothing to report.

#### 3. MINUTES REGULAR MEETING.

President Sgarrella entertained a motion to approve the September 20, 2022, regular meeting minutes as written, motion was seconded by Trustee Dave Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

#### 4. ACCOUNTS PAYABLE.

Mrs. Perla Tzintzun-Garibay went over the accounts payable, accounting notes and financial statements with the Board. President Sgarrella and Trustee Huston reviewed the accounts payable before today's meeting. Mrs. Perla Tzintzun-Garibay also noted the following payments made between meetings:

On October 6, 2022, EFT payment to PERS for \$2,579.66 due to the timing of the due date. On October 18, 2022, payment to \$228.64 with check 1283 to AT&T. Received after account payables prepared but included in totals herein. Mrs. Perla Tzintzun-Garibay went over the unpaid invoices with the Board.

President Sgarrella reported to the Board that he, Mrs. Perla Tzintzun-Garibay and Mr. Jesse Barton have been working on securing a loan for the District to cover the new solar array the District is in the process of building. They have been working with FM Bank and Bank of Stockton. President Sgarrella said that the lending institutions are

asking for a list of the District's assets, value of the Chevron Point property, equipment, financial statements and closure report. They are asking for a true picture of the District's financial history. Work still needs to be done, they need to gather more information.

After some discussion Trustee Huston entertained a motion to approve accounts payable of \$53,627.59, (invoices that were presented today) and the transfer of \$65,000 from Bank of Stockton 1878 (General Account) into the Bank of Stockton 4201 (Checking Account), and to pay the invoices presented today, motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried. After some discussion Trustee Huston entertained a motion to approve the transfer of \$180.00, from Bank of Stockton 1878 (General Account), into Bank of Stockton 2223 (SMFA) Wetland Development, motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried. After some discussion Trustee Huston entertained a motion to approve the transfer of \$9,720.00, from Bank of Stockton 1597 TW 14-1, into the Bank of Stockton 1878 (General Account), motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

After some discussion Trustee Huston entertained a motion to approve the transfer of \$162.00, from Bank of Stockton 3167 TW21-1 TIMES, into the Bank of Stockton 1878 (General Account), motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

Account Receivable: DWR Trust \$9,979.72

Account Receivable: SWP Right of Way Management: \$502.84

Special Project Invoices Pending Approval: \$23,365.43

Subventions Claim FY 2020-2021: \$211,586; Expected Reimbursement: \$158,689

Subventions Claim FY 2021-2022: \$186,888; Expected Reimbursement: \$131,241

**5. MR. RYAN CARROTHERS WITH DEPARTMENT OF FISH AND WILDLIFE WILL SPEAK TO THE BOARD ABOUT THE 2022-2023 WATERFOWL HUNTING ON TWITCHELL ISLAND.**

Delta waterfowl hunting this year will start December 3<sup>rd</sup> the first weekend to the second weekend of February. Sometime in February they will be holding a junior hunt. If Mr. Bruce Gornto floods the rice fields then there will be hunting in the rice fields. Once they get the green light from Mr. Gornto and Mr. Bryan Brock. If the rice fields are not flooded then they will have hunters hunt in the alfalfa field (upper bench), as they did last year. DF&W will need to work with Mr. Jaime Rodriguez about hunting in the alfalfa fields (upper bench), as well as DWR. Mr. Randy Wemrich told the Board they will be bringing a trailer in and parking it at the Met Barn area.

**6. BOARD TO HEAR AND DISCUSS AND TAKE IN TO CONSIDERATION G2 LAND SERVICES LETTER, WHICH ASKS TO USE THE DISTRICT'S CHEVRON POINT FOR THE PURPOSE OF CAPTURING CARBON DIOXIDE EMISSIONS.**

Mr. Jesse Baton went over the letter the District received from G2 Land Services dated September 21, 2022. Subject of the letter was to ask the District to lease Chevron Point property for the purpose of capturing carbon dioxide emissions. Chevron would like to lease the land for capturing and storing below ground carbon emissions. Mr. Barton was asked to ask them some questions. First question he asked "What carbon emissions do you plan on capturing and storing below the ground?"

Chevron's plan is to make this new division of their company's portfolio a new revenue stream, primarily from their refineries and other vendors that share their pipelines. The emissions from these emitters will be captured, condensed and liquefied. Once liquefied, these CO2 distillates can be transported by truck or pipeline. Chevron's plan is to inject these distillates deep below the surface, at a minimum of 10,000 feet below the surface and deeper. Second question "What is the price per acre for the lease that you propose?" Chevron New Energies will be paying the land owners \$350 per acre, for a 10 year term, but the bonus payment will be paid up front and not spread out annually for the next ten years. President Sgarrella told the Board some time ago we talked about this. The thing is the District owns the property but DWR can ask for it back at any time. After some discussion the Board decided that Mr. Barton will notify Ms. Robin Baroni with G2 Land Services telling them the District is not interest at this time. President Sgarrella would like to know DWR's thoughts on this matter. Trustee Huston said he will ask DWR what they think about the matter. Would like to know the findings from the Livermore Lab (Sandia National Laboratories) study.

**7. BOARD TO HEAR AN UPDATE REGARDING THE USE OF THE FLOOD FIGHT WARE-HOUSE LOCATED ON TWITCHELL ISLAND.**

Mr. Jesse Barton nothing to report at this time.

**8. BOARD TO RECEIVE AN UPDATE ON THE DISTRICT'S NPDES SPRAY PERMIT.**

President Sgarrella reported to the Board what his findings are on the National Pollutant Discharge Elimination System (NPDES) spray application for the District. The California State Water Quality Control Board (CSWQCB) now handles these permits, not the regional boards. He told the Board that he has been in contact with CSWQCB's engineer and manager. The new District application has been posted on the District and their website, it was posted for 30 days for public comment.

The District will need to expand the APAP, last time President Sgarrella hired a company from Marin County, and they no longer do it. Mr. Chris Neudeck told the Board that he may have someone at KSN that can take a look at it. The CSWQCB does not see a problem with using a drone for spray application, as long as the District has an experienced drone operator. After some discussion President Sgarrella entertained a motion to approve to have KSN look at the finished NPDES spray application and a check for the application in the amount of \$3,150 made out to CSWQCB , motion was

seconded by Trustee Dave Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

**9. BOARD TO RECEIVE AN UPDATE ON THE USGS ENCROACHMENT PERMIT TO INSTALL A WATER QUALITY MONITORING DEVICE ON THE DISTRICT'S PUMPING STATION. BOARD MAY APPROVE AMENDING THE EXISTING USGS ENCROACHMENT PERMIT FOR A REDESIGNED MONITORING SYSTEM.**

President Sgarrella reported to the Board that the USGS sent him a sketch. President Sgarrella replied to USGS telling them that water quality equipment bracing should be attached horizontally.

**10. BOARD WILL DISCUSS RENEWING ITS GRAZING LEASE WITH MR. JOE MATTOS.**

Mr. Jesse Barton told the Board that Mr. Joe Mattos's lease is coming up for renewal at the end of the year in December 2022. Mr. Mattos is paying \$190.00 per acre per year on 117 acre parcel, 45.33 leasable acres. Mr. Mattos has had the lease since 2018, it was a 5 year lease. At last month's meeting Mr. Cole Bakke (Mr. Mattos' grandson), told the Board that they would like to put in for a renewal for the lease and would like to up the fee to \$210.00 per acre and with a 3% CPI every year. Lease to be for 5 years and with fence improvements and chopping done by the leaser.

President Sgarrella entertained a motion to approve the lease between Mr. Mattos and the District's 117 acres and the amendment to the lease. The lesser will chop and keep property clean, chop before placing new fence, have fence in 60-90 days, and send the Board a letter before the January 2023 meeting, explain to the Board his plans on how the conditions will be fulfilled, motion was seconded by Trustee Dave Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

**11. BOARD TO DISCUSS THE SHARED USE OF ITS PG&E ELECTRICAL METER.**

President Sgarrella reviewed with the Board the District's PGE invoices and spreadsheet that he had prepared. President Sgarrella told the Board it looks like we are getting the electric charges under control. Mr. Jas Gill (with DWR Real Estate), is looking into the NOAA trailer broken meter and having NOAA have PG&E drop an electrical line for their trailer, or have the electricity turned off during peak hours. The meter is still broken on the NOAA trailer. Mr. Jesse Barton will speak with Mr. Bryan Brock about installing a meter and using the electric from the SMFA pump. He will also speak with Mr. Gill about the NOAA trailer.

**12. BOARD TO DISCUSS AND POSSIBLY ACT ON ISSUING AN ENCROACHMENT PERMIT FOR A FENCE BETWEEN LEVEE STATIONS 370+00 AND 450+00 NEAR DISTRICT'S FACILITIES.**

Mr. Jesse Barton handed out a draft encroachment permit for a fence between levee stations 370+00 and 450+00 near District's facilities with a map attached. Mr. Ricky Carter Sr. requested a special condition to the encroachment permit. The special

condition is that 4 feet high field fence must be installed where the permanent fence is permitted. Trustee Good told the Board that this encroachment permit needs to be signed by DWR as landowner, the District and Mr. Jaime Rodriguez as the tenant. Mr. Barton will make the necessary change to the encroachment permit. After some discussion President Sgarrella entertained a motion to approve the encroachment permit for a fence between levee stations 370+00 and 450+00 near the District's facilities, and the added condition of the 4 feet field fence and have Mr. Jas Gill (DWR) sign for DWR, Mr. Jaime Rodriguez sign as tenant, motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

**13. BOARD TO DISCUSS AND POSSIBLY APPROVE A NEW INSURANCE CARRIER.**

Mr. Jesse Barton reported to the Board that the insurance company the District has at the present time will waive cancellation fees. Starting November 1<sup>st</sup> the new insurance SDRMA will take effect. Once he gets the word he will contact the old insurance carrier and have them cancel. All the District's equipment is on the policy along with the building. President Sgarrella would like to know after the new policy is in place how much it would cost to add the solar array to the policy.

**14. BOARD TO DISCUSS AND DECIDE WHETHER TO RESUME IN-PERSON MEETINGS OR ALLOW BOARD MEMBERS TO ATTEND FROM REMOTE LOCATIONS.**

Mr. Jesse Barton told the Board that if the Board wishes to hold remote meetings, then the District will need to approve a resolution every 30 days (before each District Meeting) that extends the Board's decision to hold remote meetings. After some discussion Trustee Huston entertained a motion to approve Resolution No. 2022-16 Ratifying the COVID-19 State of Emergency and Authorizing Remote Teleconference Meetings Pursuant to the Ralph M. Brown Act, motion was seconded by Trustee Good VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

**15. PROJECT FUNDING AGREEMENT TW-14-1.2-PROJECT FUNDING AGREEMENT FOR A HABITAT ENHANCEMENT PROJECT ON TWITCHELL ISLAND (EXPIRES 10/31/2023). THE BOARD WILL HEAR A STATUS UPDATE AND DISCUSS.**

Ms. Otome Lindsey reported to the Board that they are doing regular maintenance. Still on track to use all the project's funds.

**16. PROJECT FUNDING AGREEMENT TW-21-1.2, BOARD TO HEAR AN UPDATE ON THE PROJECT FUNDING AGREEMENT FOR THE PLANNING, ENGINEERING, AND CONSTRUCTION OF THE TWITCHELL ISLAND MITIGATION AND ENHANCEMENT SITE (TIMES) PROJECT (EXPIRES 12/31/2027). THE BOARD WILL HEAR A STATUS UPDATE ON RIGHT-OF WAY ISSUES.**

Ms. Otome Lindsey reported to the Board that they are flooding the upper bench for the TIMES project. DWR approved the flooding, due to it being a mitigation project and not for farming.

They are in the process of finishing up the boundary surveys and the Board will wait for their findings. Ms. Lindsey asked about obtaining an NPDES spray permit. President Sgarrella told her he will send her the information on who to contact for the NPDES spray permit. Mrs. Perla Tzintzun-Garibay reported that there is less the \$60,000 in the account. She asked if Ms. Lindsey would start processing an advance payment. Ms. Lindsey told the Board that she would. Ms. Lindsey told the Board that Mr. Jesse Barton will need to work on a planting agreement with RCD Solano.

**17. DWR AGREEMENT “SUBSIDENCE MITIGATION FUNDING AGREEMENT” (SFMA) (WETLAND DEVELOPMENT/SUBSIDENCE REVERSAL AND CARBON SEQUESTRATION PROJECT) (EAST END AND RICE PROJECT) (SFMA EXPIRES 12/31/2024). THE BOARD WILL HEAR A STATUS UPDATE AND DISCUSS. THE BOARD WILL ALSO DISCUSS SELLING SOME OF THE SUBSIDENCE MITIGATION FUNDING AGREEMENT EQUIPMENT.**

Mr. Jesse Barton reported to the Board that he had spoken with Mr. Bryan Brock after last month’s meeting about selling or keeping the Subsidence Mitigation Funding Agreement equipment. Mr. Brock told him that he wanted to keep the equipment. The Board would like for the equipment to be moved to the Chevron Point barn before winter. Mr. Ricky Carter Sr. will speak with Mr. Bruce Gornto about moving the equipment into the barn. Ms. Lindsey reported to the Board for Mr. David Julian (with DWR). They are trimming and moving the trimmings in the wetlands. Rice fields are drying out. He talked to DWR about the leases dead sheep and goats that need to be taken care of. Also he needs to spread the animals out for grazing, he is over grazing. Mr. Ricky Carter Sr. is to speak with Mr. Bruce Gornto about taking his hook up for his electric for his trailer and hooking up it up to the SMFA meter, and to remind Mr. Gornto that the project’s equipment is getting old and outdated.

**18. PROJECT FUNDING AGREEMENT TW-18-1.0-SP-(EXPIRES 12-31-2022). BOARD TO HEAR AN UPDATE ON THE DELTA LEVEES SPECIAL FLOOD CONTROL PROJECT PROGRAM FIVE YEAR PLAN AGREEMENT.**

Mr. Chris Neudeck reported to the Board that he has received some responses from DWR. He is in the process of reviewing the responses.

**19. BOARD TO HEAR AN UPDATE AND DISCUSS EXPLORING A SOLAR POWER ALTERNATIVE TO POWER THE RD 1601 PUMP STATION. THE BOARD WILL RECEIVE AN UPDATE ON THE CEQA WORK.**

President Sgarrella told the Board there is no issues with the Sacramento County. President Sgarrella and Mrs. Perla Tzintzun-Garibay have been talking with bank lenders for funding the solar array project. Still could need to find a third party for funding.

Junk has been found in the District’s sump. Mr. Ricky Carter Sr. hired a diver, the diver pushed some debris away from pump number 2. Last week a coupon was cut in the drain pipe near the valve, nothing was plugging it nor was there any sand in or around the valve. Need to clean the pump sump, run a test. May need to have a camera

check the pipe. Need to use the District's excavator when cleaning the sump with the diver. Have the diver check pipes on the water side and the vents. May need to change the gauge on pump number 1. Then have a test done. President Sgarrella would like to have a switch put in for pump number 2, so the pump can be used by the solar array and the electricity supply.

**20. ENGINEER'S REPORT:** Mr. Chris Neudeck's engineering report is attached to the minutes.

I. AB 360 Delta Levee Subventions Program

- A. Mr. Neudeck reviewed with the Board upcoming rock slope protection waterside tour scheduled for Wednesday, October 19<sup>th</sup> in the morning during low tide.

II. AB 360 Delta Levee Subventions Program

- A. Mr. Neudeck reviewed with the Board the 2022 Projects Solicitation Package for Multi-Benefit Projects. Mr. Neudeck told the Board that the setback levee would be a good one to consider doing, except for all the new studies that need to be added to the already finished plans for the project that has been shelved waiting to get approved. Mr. Neudeck will look into this for the District, he will check what the cost would be for the District. The goal for this Projects Solicitation Package (PSP) is to receive applications for Multi-Benefit projects that promote levee improvement (up to the DWR Bulletin 192-82 template), habitat enhancement, seismic resiliency, and/or export water supply reliability. This PSP will help protect the economic and ecological vitality of the California Delta (Delta), reducing the failure risk to levees in the Delta, providing increased flood protection, improving export water supply reliability, and protecting and restoring important ecosystems. Mr. Bryan Brock is head of this project. The project will not pay for any right of ways, the District will need to pay. Mr. Neudeck will need to get permission from DWR to do the project on the San Joaquin River. Due to the climate change a Climate Change study will be needed adding extra cost to the District. The Board would like Mr. Neudeck to talk to a consultant about climate change study and find out the cost. If things go as planned and after the climate change study is completed, the District will dust off the old plans and go to construction.

Exhibit A: Division of Multi-Benefit Initiatives Delta Levees Special Flood Control Project PSP September 2022 Draft.

Exhibit B: Public comment notice form DWR published in September 2022.

Comments are due at the end of October.

III. Districts Drainage Pump Stations

- A. Look under agenda item 19.

**21. SUPERINTENDENT REPORT:** Mr. Ricky Carter Sr.

- Routine levee patrols daily.
- Checked pumps and oil in the pumps at pump station daily.
- Cored Levee Station 610+00 300 LF.
- On September 26, 2022, cows in Chevron Point barn area.

- On September 26, 2022, goats at Chevron Point levee area.
  - Attended meeting for After Action meeting for Flood Fight class.
  - Emailed Mr. Jesse Barton a marked map for the fence encroachment permit for Jamie Rodriguez's fence.
  - Dropped off files to the auditors in Stockton.
  - Contacted Mr. Jesse Leach (NOAA), about shutting down the electricity to the trailer from 5-8 daily.
  - Cleaned toe ditch to Duarte's old property at Levee Station 380+00.
  - Called Mr. Aaron Lickenteller (KSN) about setting up a boat inspection on October 19, 2022.
  - Sent pictures to President Barry Sgarrella from pump station gpm.
  - On Sunday, October 9<sup>th</sup>, cut coupons upstream and revealed no obstructions.
  - Chopped Threemile Slough levee.
  - Mr. Ricky Carter Jr. exterminated two beavers at Oulton Point.
  - Replaced the hydraulic hose on the District's excavator.
  - Called and met with diver to see if anything is in the District's sump. Had the diver fix the 36-inch probe pipe.
  - Had mechanic come to fix the District's excavator. Found the oil pump went out. It needs to be replaced.
  - Met with Sasika (DWR) for the District's fall levee inspection. A+ rating.
  - Vehicle on Middle Road at 8:30 pm, made contact, they said they were hunting raccoons. Ran them off.
  - Met with Mr. Bill Powers to get the District's pump efficacy test done. District's pump number 2 (5,000 gpm). Need to clean out the District's sump completely.
- Mr. Ricky Carter Sr. reported to the Board that Mr. Richard Silva's cattle have gotten out, he found that there is 200 feet of fence that has only one strain of barbed wire on the ground. Mr. Richard Silva claims he fixed the fence with new wire. The locks on Threemile Mile Slough gate have been changed due to the gate being left open all night. The District is having some issues with air quality equipment the District owns. Tessa (KSN) has checked to see where the District's equipment stand.
- The District's Kubota Tractor is 4 tiers, Dozer is 0 tiers, and the Excavator is 2 tiers. Board will be looking into purchasing, lease purchase for a new excavator and Dozer. Mr. Jesse Barton told the Board that Mr. Bryan Brock gave Gornto permission to hunt. If there are any problems with the hunters call Mr. Bruce Gornto. Mr. Barton does not know if Mr. Richard Silva, Mr. Mattos and Mr. Jaime Rodriguez has permission under the District's lease.

## **22. ADJOURN:**

The special meeting of the Board of Trustees will be called to order November 21, 2022, at 9:00 am, the regular meeting was adjourned at 12:01 pm.





Presiding Trustee of the Regular Meeting October 18, 2022, certifies the above minutes



Secretary